

By: Zaffirini

S.B. No. 43

A BILL TO BE ENTITLED

AN ACT

relating to the Judicial Branch Certification Commission;
authorizing fees; modifying existing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 57.002(b-1), Government Code, is amended
to read as follows:

(b-1) A licensed court interpreter appointed by a court
under Subsection (a) or (b) must hold a license that includes the
appropriate designation under Section 157.101(d) [~~57.043(d)~~] that
indicates the interpreter is permitted to interpret in that court.

SECTION 2. Section 151.001(7), Government Code, is amended
to read as follows:

(7) "Regulated person" means a person, firm, or other
business entity who holds a certification, registration, or license
issued by the commission.

SECTION 3. Sections 152.053(b), (c), and (d), Government
Code, are amended to read as follows:

(b) A person is not eligible for appointment as a member of
the commission, or as a member of an advisory board or committee
that serves the commission, if the person or the person's spouse:

(1) is employed by or participates in the management
of a business entity or other organization receiving funds from the
commission;

(2) owns or controls, directly or indirectly, more

1 than a 10 percent interest in a business entity or other
2 organization receiving funds from the commission; or

3 (3) uses or receives a substantial amount of tangible
4 goods, services, or funds from the commission, other than
5 compensation or reimbursement authorized by law for commission
6 membership, attendance, or expenses.

7 (c) A person may not serve as a member of the commission, or
8 as a member of an advisory board or a committee that serves the
9 commission, or act as the general counsel to the commission if the
10 person is required to register as a lobbyist under Chapter 305
11 because of the person's activities for compensation on behalf of a
12 profession related to the operation of the commission.

13 (d) A person may not be a member of the commission, a member
14 of an advisory board or a committee that serves the commission, or
15 ~~[and may not be]~~ a commission employee employed in a "bona fide
16 executive, administrative, or professional capacity," as that
17 phrase is used for purposes of establishing an exemption to the
18 overtime provisions of the federal Fair Labor Standards Act of 1938
19 (29 U.S.C. Section 201 et seq.), if:

20 (1) the person is an officer, employee, or paid
21 consultant of a Texas trade association in the legal profession; or

22 (2) the person's spouse is an officer, manager, or paid
23 consultant of a Texas trade association in the legal profession.

24 SECTION 4. Section 152.056, Government Code, is amended to
25 read as follows:

26 Sec. 152.056. PRESIDING OFFICER. The supreme court shall
27 designate a member of the commission as presiding officer of the

1 commission to serve in that capacity at the pleasure of the supreme
2 court. The presiding officer of the commission may designate a
3 member of the commission to preside over a meeting of the commission
4 in the absence of the presiding officer.

5 SECTION 5. The heading to Section 152.109, Government Code,
6 is amended to read as follows:

7 Sec. 152.109. NOTICE OF COMPLAINT PROCESS [~~COMPLAINTS~~].

8 SECTION 6. Sections 152.111(a) and (c), Government Code,
9 are amended to read as follows:

10 (a) The commission may adopt a policy allowing office
11 employees to dismiss a complaint [~~complaints that~~]:

- 12 (1) that clearly does [~~do~~] not allege misconduct; [~~or~~]
13 (2) that is [~~are~~] not within the commission's
14 jurisdiction;
15 (3) that alleges misconduct that took place more than
16 five years before the date the complaint was filed; or
17 (4) for which there is no evidence to establish
18 misconduct alleged in the complaint.

19 (c) A person who files a complaint that is dismissed under
20 this section may, not later than the 30th day after the date of
21 notice of the dismissal, request in writing that the commission
22 reconsider the complaint.

23 SECTION 7. Section 152.201, Government Code, is amended by
24 adding Subsection (c-1) and amending Subsection (d) to read as
25 follows:

26 (c-1) A passing score on an applicable examination is valid
27 for purposes of certification, licensing, or registration for a

1 period of two years after the date of the examination. A person who
2 does not apply to become certified, licensed, or registered before
3 the expiration of the two-year period must repeat and pass the
4 examination.

5 (d) If requested in writing by a person who fails an
6 examination, the commission shall furnish the person with an
7 analysis of the person's performance on the examination. The
8 person may not view a copy of the examination.

9 SECTION 8. Subchapter E, Chapter 152, Government Code, is
10 amended by adding Section 152.2015 to read as follows:

11 Sec. 152.2015. CERTIFICATION, REGISTRATION, AND LICENSING
12 FEE AND RENEWAL. (a) A person, firm, or business entity must pay
13 the commission an initial fee and any other required fee to receive
14 a certification, registration, or license from the commission.

15 (b) A regulated person who is otherwise eligible to renew a
16 certification, registration, or license may renew an unexpired
17 certification, registration, or license by paying the required
18 renewal fee to the commission before the expiration date. A
19 regulated person whose certification, registration, or license has
20 expired may not engage in any applicable regulated activity until
21 the certification, registration, or license has been renewed.

22 (c) A regulated person whose certification, registration,
23 or license has been expired for 90 days or fewer may renew the
24 certification, registration, or license by paying to the commission
25 a renewal fee that is equal to 1-1/2 times the normally required
26 renewal fee.

27 (d) A regulated person whose certification, registration,

1 or license has been expired for more than 90 days but less than one
2 year may renew the certification, registration, or license by
3 paying to the commission a renewal fee that is equal to twice the
4 normally required renewal fee.

5 (e) A person, firm, or business entity may not renew its
6 expired certification, registration, or license one year or more
7 after expiration, except as provided by Subsection (f). The
8 person, firm, or business entity may obtain a new certification,
9 registration, or license by complying with the requirements and
10 procedures, including the examination requirements, for obtaining
11 an original certification, registration, or license.

12 (f) A person may, without examination, renew a
13 certification, registration, or license that has been expired for
14 one year or longer, if:

15 (1) prior to applying for renewal, the person had
16 moved to another state or jurisdiction;

17 (2) at the time of applying for renewal, the person is
18 certified, registered, or licensed in good standing in the other
19 state or jurisdiction;

20 (3) the person has been in practice in that state for
21 one year preceding the date the person applies for renewal; and

22 (4) the person pays to the commission a fee that is
23 equal to twice the normally required renewal fee for the
24 certification, registration, or license.

25 (g) Not later than the 30th day before the date a regulated
26 person's certification, registration, or license is scheduled to
27 expire, the commission must send written notice of the impending

1 expiration to the regulated person at the person's last known
2 address according to the records of the commission.

3 SECTION 9. Section 152.205(c), Government Code, is amended
4 to read as follows:

5 (c) After publishing the code of ethics, the commission
6 shall propose to the supreme court a rule stating that a person who
7 violates the code of ethics is subject to commission enforcement
8 ~~[an administrative penalty assessed]~~ under Chapter 153.

9 SECTION 10. Subchapter A, Chapter 153, Government Code, is
10 amended by adding Section 153.0001 to read as follows:

11 Sec. 153.0001. FILING COMPLAINT. (a) To file a complaint
12 with the commission against a regulated person or another person
13 alleged to have unlawfully engaged in conduct regulated under this
14 subchapter, a person must:

- 15 (1) have personal knowledge of the alleged violation;
16 (2) complete a complaint form provided by the
17 commission;
18 (3) sign the completed form; and
19 (4) attach any pertinent documentary evidence to the
20 form.

21 (b) On receipt of a properly executed complaint, the
22 commission shall furnish a copy of the complaint and any
23 attachments to the person who is the subject of the complaint.

24 (c) This section does not preclude the commission, an
25 advisory board of the commission, or a court of this state from
26 filing a complaint.

27 SECTION 11. Section 153.003, Government Code, is amended to

1 read as follows:

2 Sec. 153.003. CEASE AND DESIST ORDER. (a) The director
3 may issue a temporary cease and desist order for the duration of an
4 investigation and disciplinary action by the commission if the
5 director determines that the action is necessary to prevent a
6 violation of:

7 (1) this subtitle;

8 (2) a law establishing a regulatory program
9 administered by the commission; or

10 (3) a rule adopted under this subtitle or order issued
11 by the commission or the director.

12 (b) A cease and desist order may require a person to cease
13 and desist from committing a violation listed under Subsection (a)
14 or from engaging in any practice regulated by the commission as
15 necessary to prevent such a violation.

16 (c) A person to whom a cease and desist order is issued may
17 file a written request for a hearing before the commission. The
18 person must file the hearing request not later than 10 days after
19 receipt of the order. The commission must conduct the hearing not
20 later than 30 days after the date of the hearing request.

21 SECTION 12. Section 153.004, Government Code, is amended by
22 adding Subsection (c) to read as follows:

23 (c) On its own motion, or on the recommendation of
24 commission staff, the commission may conduct a hearing to inquire
25 into a suspension. If the commission finds that a person has not
26 corrected the deficiencies that were the grounds of the suspension
27 or has not complied with the conditions imposed by the commission,

1 the commission may revoke or take other disciplinary action against
2 the person's certification, registration, or license.

3 SECTION 13. Section 153.051, Government Code, is amended to
4 read as follows:

5 Sec. 153.051. IMPOSITION OF PENALTY. (a) The commission
6 may impose an administrative penalty on a person [~~regulated under~~
7 ~~this subtitle~~] who violates this subtitle, a law establishing a
8 regulatory program administered by the commission, [or] a rule or
9 standard adopted under this subtitle, or an order issued by the
10 commission or director under this subtitle.

11 (b) A proceeding under this subchapter imposing an
12 administrative penalty may be combined with a proceeding to impose
13 an administrative sanction otherwise imposed under this subtitle.
14 [~~If an administrative sanction is imposed in a proceeding under~~
15 ~~this subchapter, the requirements of this subchapter apply to the~~
16 ~~imposition of the sanction.~~]

17 SECTION 14. Section 153.053, Government Code, is amended to
18 read as follows:

19 Sec. 153.053. REPORT AND NOTICE OF VIOLATION, PENALTY, AND
20 SANCTION. (a) The commission shall[+]

21 [~~(1)~~] appoint a committee of advisory board members to
22 review a complaint, make the initial written determination on
23 whether a violation occurred, and impose [~~recommend the imposition~~
24 ~~of~~] a penalty, a sanction, or both for violations. The committee
25 shall state its written determination as proposed findings of fact
26 and conclusions of law, separately stated.

27 (b) The committee shall[+]

1 ~~[(2) review the determination and recommendation of the~~
2 ~~committee and accept or revise as necessary the determination and~~
3 ~~recommendation; and~~

4 ~~[(3)]~~ give to the person who is the subject of the
5 complaint under Subsection (a) written notice by certified mail of
6 the committee's ~~[commission's]~~ determination on whether a violation
7 occurred and each ~~[recommended]~~ penalty or sanction, if any.

8 (c) ~~[(b)]~~ The notice required under Subsection (b) ~~[(a)]~~
9 must:

- 10 (1) include a brief summary of the alleged violation;
- 11 (2) state the amount of any ~~[recommended]~~ penalty;
- 12 (3) state any ~~[recommended]~~ sanction; and
- 13 (4) inform the person of the person's right to a
14 hearing on the occurrence of the violation, the amount of the
15 penalty, the imposition of the sanction, or any combination.

16 SECTION 15. Section [153.054](#), Government Code, is amended to
17 read as follows:

18 Sec. 153.054. PENALTY PAID, SANCTION ACCEPTED, OR HEARING
19 REQUESTED. (a) Not later than the 20th day after the date the
20 person receives the notice sent under Section [153.053](#), the person
21 in writing may:

22 (1) accept the determination of the committee
23 ~~[commission]~~ and the imposition of the ~~[recommended]~~ penalty or
24 sanction as an agreed order to be presented to the commission; or

25 (2) ~~[make a]~~ request ~~[for]~~ a hearing before the
26 commission on the occurrence of the violation, the imposition or
27 amount of the penalty, the imposition of the sanction, or any

1 combination.

2 (b) If the person accepts the determination and
3 ~~[recommended]~~ penalty or sanction as an agreed order ~~[or if the~~
4 ~~person fails to respond to the notice]~~, the commission ~~[by order]~~
5 shall review the proposed order and accept, revise, or reject it or
6 remand the matter to the committee for further review. If the
7 commission revises or rejects the order, the person may:

8 (1) accept the commission's determination, penalty, or
9 sanction; or

10 (2) request a hearing not later than the 20th day after
11 the date of receiving notice of the commission's determination.

12 (c) If the person fails to respond to the notice, the
13 commission may issue a default order to approve the determination
14 of the committee and impose or revise the committee's proposed
15 penalty, sanction, or both ~~[approve the determination and impose~~
16 ~~the recommended penalty or sanction]~~.

17 SECTION 16. Sections [153.055](#)(c), (d), (e), and (g),
18 Government Code, are amended to read as follows:

19 (c) The commission shall adopt, revise, or reject the
20 committee's ~~[make]~~ findings of fact and conclusions of law and
21 promptly issue an order on the occurrence of the violation, the
22 amount of any penalty imposed, and the imposition of any sanction.
23 The commission shall give the person notice of the order.

24 (d) On approval of the supreme court, the commission may
25 adopt rules governing the hearing, including rules on appearance by
26 telephone. To the extent not inconsistent with this subchapter or
27 commission rules, the Texas Rules of Civil Procedure, including

1 discovery rules, apply to the hearing, except that the commission
2 may deviate from the rules as necessary for a full and fair
3 adjudication and determination of fact or law.

4 (e) The presiding officer of the commission may hold
5 prehearing conferences. The presiding officer may issue orders,
6 including scheduling orders, and may designate the discovery
7 control plan or otherwise limit or modify discovery before a
8 hearing.

9 (g) On request of the commission, at least one member of the
10 applicable advisory board committee shall attend the hearing to
11 consult with the commission on the reasons for the advisory board
12 committee's determination and proposed penalty or sanction
13 [~~recommendations~~] under Section 153.053(a).

14 SECTION 17. Section 153.056, Government Code, is amended to
15 read as follows:

16 Sec. 153.056. OPTIONS FOLLOWING DECISION: PAY, ACCEPT, OR
17 APPEAL. Not later than the 30th day after the date the order of the
18 commission imposing an administrative penalty or sanction under
19 Section 153.055 becomes final, the person shall:

20 (1) accept the obligation to pay the penalty or accept
21 the sanction; or

22 (2) file an appeal of the commission's order
23 contesting the findings of fact, the conclusions of law, the
24 occurrence of the violation, the imposition or amount of the
25 penalty, the imposition of the sanction, or any combination.

26 SECTION 18. Section 153.058(f), Government Code, is amended
27 to read as follows:

1 (f) If the special committee sustains the finding that a
2 violation occurred, the special committee may:

3 (1) uphold or reduce the amount of any penalty and
4 order the person to pay the full or reduced amount of the penalty;
5 and

6 (2) uphold or reduce any other sanction and order the
7 imposition of the sanction.

8 SECTION 19. Subchapter B, Chapter 153, Government Code, is
9 amended by adding Section 153.060 to read as follows:

10 Sec. 153.060. REISSUANCE OF CERTIFICATE, REGISTRATION, OR
11 LICENSE. (a) The commission may reissue a certificate,
12 registration, or license that has been revoked or that the
13 commission has refused to renew as a disciplinary sanction if the
14 individual who was subject to the revocation or nonrenewal applies
15 in writing to the commission and establishes good cause to justify
16 reissuance of the certificate, registration, or license. The
17 applicant has the burden of proving:

18 (1) the correction of the grounds for the revocation
19 or the commission's refusal to renew the certificate, registration,
20 or license;

21 (2) good faith efforts to correct, resolve, or
22 otherwise cure the damages arising from the grounds for the
23 revocation or the refusal to renew the certificate, registration,
24 or license;

25 (3) that reissuance would not pose a threat to public
26 health, safety, and welfare; and

27 (4) any other rehabilitative efforts.

1 (b) The commission may impose conditions upon the
2 revocation of or refusal to renew a certificate, registration, or
3 license that may include:

4 (1) prohibiting a person from applying for reissuance
5 for a specified period of time; and

6 (2) imposing some or all prerequisites for initial
7 certification, registration, or licensure as a prerequisite for
8 reissuance.

9 (c) The commission may impose appropriate probationary
10 conditions for a specified period on the practice of a person whose
11 certificate, registration, or license is reissued.

12 SECTION 20. Section 154.001(a)(2), Government Code, is
13 amended to read as follows:

14 (2) "Certification" means [~~, notwithstanding Section~~
15 ~~151.001,~~] a certification issued by the commission as defined by
16 Section 151.001 [~~supreme court on the commission's~~
17 ~~recommendation~~].

18 SECTION 21. Section 154.101(g), Government Code, is amended
19 to read as follows:

20 (g) The commission may enforce this section by seeking an
21 injunction or by filing a complaint against a person who is not
22 certified by the supreme court. The commission may seek the
23 injunction in the district court of the county in which that person
24 resides or in Travis County. Said action for an injunction shall be
25 in addition to any other action, proceeding, or remedy authorized
26 by law. The commission shall be represented by the attorney general
27 and/or the county or district attorney of this state, or counsel

1 designated and empowered by the commission.

2 SECTION 22. Section 154.103, Government Code, is amended to
3 read as follows:

4 Sec. 154.103. EXAMINATION. (a) The commission shall by
5 rule establish the form and content of the examination for
6 certification in light of the authorized methods of shorthand
7 reporting. The commission may contract with a testing service to
8 develop, administer, and grade examinations. [~~The examination for~~
9 ~~certification in one or more of the authorized methods of shorthand~~
10 ~~reporting consists of two parts, designated Part A and Part B.~~]

11 (b) [~~Part A consists of five minutes of two-voice dictation~~
12 ~~of questions and answers given at 225 words per minute, five minutes~~
13 ~~of dictation of jury charges given at 200 words per minute, and five~~
14 ~~minutes of dictation of selected literary material given at 180~~
15 ~~words per minute. Each applicant must personally take down the test~~
16 ~~material, either in writing or in voice, and must prepare a~~
17 ~~transcript of the material taken down. The minimum passing grade~~
18 ~~for each section of Part A is 95 percent. A dictionary may be used~~
19 ~~during Part A. Each applicant has three hours to complete the~~
20 ~~transcription of Part A. If an applicant finishes before the three~~
21 ~~hours have elapsed, the applicant may review the transcript but may~~
22 ~~use only the test material taken down by that applicant to review~~
23 ~~the transcript. An error is charged for:~~

24 [~~(1) each wrong word,~~

25 [~~(2) each omitted word,~~

26 [~~(3) each word added by the applicant that was not~~
27 ~~dictated,~~

- 1 ~~[(4) each contraction interpreted by the applicant as~~
2 ~~two words;~~
- 3 ~~[(5) two words interpreted by the applicant as a~~
4 ~~contraction;~~
- 5 ~~[(6) each misplaced word;~~
- 6 ~~[(7) each misplaced period that materially alters the~~
7 ~~sense of a group of words or a sentence;~~
- 8 ~~[(8) each misspelled word;~~
- 9 ~~[(9) the use of the plural or singular if the opposite~~
10 ~~was dictated; and~~
- 11 ~~[(10) each wrong number.~~

12 ~~[(c) Part B consists of objective questions relating to~~
13 ~~elementary aspects of shorthand reporting, spelling, and grammar.~~
14 ~~The minimum passing grade for Part B is 75 percent. A dictionary~~
15 ~~may not be used during Part B.~~

16 ~~[(d)]~~ An applicant who cheats on the examination is
17 disqualified and may not take the examination again until two years
18 have elapsed from the date of the examination at which the applicant
19 was disqualified.

20 SECTION 23. Section 154.106(a), Government Code, is amended
21 to read as follows:

22 (a) A shorthand reporting firm or an affiliate office may
23 not assume or use the title or designation "court recording firm,"
24 "court reporting firm," or "shorthand reporting firm" or any
25 abbreviation, title, designation, words, letters, sign, card, or
26 device tending to indicate that the firm is a court reporting firm
27 or shorthand reporting firm, or offer services as a court reporting

1 firm or shorthand reporting firm, unless the firm and its affiliate
2 offices are registered with the commission on a form prescribed by
3 the commission as required by this subchapter.

4 SECTION 24. Sections 154.107(b) and (c), Government Code,
5 are amended to read as follows:

6 (b) Effective January 1, 2018, a [A] certification or
7 registration expires [at 12:01 a.m.] on the last day of the month in
8 which the [January 1 following the] second anniversary of the date
9 on which it was issued falls unless the certification or
10 registration is renewed on or before that day. If during a two-year
11 period the certification or registration expiration date is
12 changed, the commission shall prorate certification and
13 registration fees on a monthly basis so that each certification or
14 registration holder pays only the portion of the fee that is
15 allocable to the number of months during which the certification or
16 registration is valid. [Thereafter, the certification or
17 registration expires at 12:01 a.m. of each second January 1 unless
18 renewed.]

19 (c) Upon each renewal of the certification or registration,
20 a fee is charged in accordance with Section 152.2015. A firm or the
21 affiliate office of a firm that may not renew an expired
22 registration as described by Section 152.2015(e) must pay all
23 unpaid renewal and late fees charged for the expired registration,
24 in addition to complying with all registration requirements and
25 procedures, in order to obtain a new registration under Section
26 152.2015(e). [A person who is otherwise eligible to renew a
27 certification or registration may renew an unexpired certification

1 ~~or registration by paying the required renewal fee to the~~
2 ~~commission before the expiration date of the certification or~~
3 ~~registration. A person whose certification or registration has~~
4 ~~expired may not engage in activities that require a certification~~
5 ~~or registration until the certification or registration has been~~
6 ~~renewed.]~~

7 SECTION 25. Section 154.110(a), Government Code, is amended
8 to read as follows:

9 (a) After receiving a complaint and giving the certified
10 shorthand reporter notice and an opportunity for a hearing as
11 prescribed by Subchapter B, Chapter 153, the commission shall
12 revoke, suspend, or refuse to renew the shorthand reporter's
13 certification or issue a reprimand to the reporter for:

- 14 (1) fraud or corruption;
- 15 (2) dishonesty;
- 16 (3) wilful or negligent violation or failure of duty;
- 17 (4) incompetence;
- 18 (5) fraud or misrepresentation in obtaining
19 certification;
- 20 (6) a final conviction of a felony or misdemeanor that
21 directly relates to the duties and responsibilities of a certified
22 shorthand ~~[court]~~ reporter, as determined by supreme court rules;
- 23 (7) engaging in the practice of shorthand reporting
24 using a method for which the reporter is not certified;
- 25 (8) engaging in the practice of shorthand reporting
26 while certification is suspended;
- 27 (9) unprofessional conduct, including giving directly

1 or indirectly, benefiting from, or being employed as a result of any
2 gift, incentive, reward, or anything of value to attorneys,
3 clients, or their representatives or agents, except for nominal
4 items that do not exceed \$100 in the aggregate for each recipient
5 each year;

6 (10) entering into or providing services under a
7 prohibited contract described by Section 154.115;

8 (11) committing any other act that violates this
9 chapter or a rule or provision of the code of ethics adopted under
10 this subtitle; or

11 (12) other sufficient cause.

12 SECTION 26. Section 154.111(c), Government Code, is amended
13 to read as follows:

14 (c) The commission may suspend the registration of a
15 shorthand reporting firm or affiliate office:

16 (1) for a designated period of time in accordance with
17 Section 154.110(b);

18 (2) until the shorthand reporting firm or affiliate
19 office corrects the deficiencies that were the grounds for the
20 suspension; or

21 (3) until the shorthand reporting firm or affiliate
22 office complies with any conditions imposed by the commission to
23 ensure the shorthand reporting firm's or affiliate office's future
24 performance.

25 SECTION 27. Sections 155.001(2), (3), (5), and (7),
26 Government Code, are amended to read as follows:

27 (2) "Corporate fiduciary" has the meaning assigned by

1 Section 1002.007, Estates Code [~~601, Texas Probate Code~~].

2 (3) "Guardian" has the meaning assigned by Section
3 1002.012, Estates Code [~~601, Texas Probate Code~~].

4 (5) "Incapacitated person" has the meaning assigned by
5 Section 1002.017, Estates Code [~~601, Texas Probate Code~~].

6 (7) "Ward" has the meaning assigned by Section 22.033,
7 Estates Code [~~601, Texas Probate Code~~].

8 SECTION 28. Sections 155.102(c) and (d), Government Code,
9 are amended to read as follows:

10 (c) The supreme court may adopt rules and procedures for
11 issuing a certificate and for renewing, suspending, or revoking a
12 certificate issued under this section. Any rules adopted by the
13 supreme court under this section must:

14 (1) ensure compliance with the standards adopted under
15 Section 155.101;

16 (2) provide that the commission establish
17 qualifications for obtaining and maintaining certification;

18 (3) provide that the commission issue certificates
19 under this section;

20 (4) provide that a certificate expires on the last day
21 of the month in which the second anniversary of the date the
22 certificate was [~~is~~] issued falls, unless renewed prior to
23 expiration;

24 (5) prescribe procedures for accepting complaints and
25 conducting investigations of alleged violations of the minimum
26 standards adopted under Section 155.101 or other terms of the
27 certification by certificate holders; and

1 (6) prescribe procedures by which the commission,
2 after notice and hearing, may suspend or revoke the certificate of a
3 holder who fails to substantially comply with appropriate standards
4 or other terms of the certification.

5 (d) If the requirements for issuing a certificate under this
6 section or reissuing a certificate under Section 153.060 include
7 passage of an examination covering guardianship education
8 requirements:

9 (1) the commission shall develop and the director
10 shall administer the examination; or

11 (2) the commission shall direct the director to
12 contract with another person or entity the commission determines
13 has the expertise and resources to develop and administer the
14 examination.

15 SECTION 29. Section [155.104](#), Government Code, is amended to
16 read as follows:

17 Sec. 155.104. INFORMATION FROM PRIVATE PROFESSIONAL
18 GUARDIANS. In addition to the information submitted under Section
19 [1104.306](#), Estates Code [~~697(e), Texas Probate Code~~], the director
20 may require a private professional guardian or a person who
21 represents or plans to represent the interests of a ward as a
22 guardian on behalf of the private professional guardian to submit
23 information considered necessary to monitor the person's
24 compliance with the applicable standards adopted under Section
25 [155.101](#) or with the certification requirements of Section [155.102](#).

26 SECTION 30. Section [155.105](#)(c), Government Code, is amended
27 to read as follows:

1 (c) A private professional guardian shall submit with the
2 report required under Subsection (b) a copy of the guardian's
3 application for a certificate of registration required by Section
4 1104.303, Estates Code [~~697(a), Texas Probate Code~~].

5 SECTION 31. Section 156.001, Government Code, is amended to
6 read as follows:

7 Sec. 156.001. DEFINITIONS [~~DEFINITION~~]. In this chapter:

8 (1) "Advisory" [~~"advisory"~~] board" means the Process
9 Server Certification Advisory Board.

10 (2) "Certified process server" or "process server"
11 means a person who is certified by the commission under order of the
12 supreme court to serve process.

13 SECTION 32. Section 156.052(a), Government Code, is amended
14 to read as follows:

15 (a) The commission may recommend to the supreme court the
16 fees to be charged for process server certification and renewal of
17 certification. [~~The supreme court must approve the fees~~
18 ~~recommended by the commission before the fees may be collected.~~]

19 SECTION 33. Subchapter B, Chapter 156, Government Code, is
20 amended by adding Section 156.053 to read as follows:

21 Sec. 156.053. PROCESS SERVER CERTIFICATION RENEWAL; FEES.
22 Each process server certification expires on the last day of the
23 month in which the second anniversary of its issuance falls, unless
24 it is renewed prior to that day. Upon renewal of certification,
25 each process server must pay a fee to the commission in accordance
26 with Section 152.2015.

27 SECTION 34. Sections 157.101(a), (c), and (d), Government

1 Code, are amended to read as follows:

2 (a) The director shall issue a court interpreter license to
3 an applicant who:

4 (1) can interpret for an individual who can hear but
5 who does not comprehend English or communicate in English;

6 (2) passes the appropriate examination prescribed by
7 the commission within the period specified in Section 152.201(c-1)
8 ~~[not earlier than two years before the date the director receives~~
9 ~~the applicant's application for a license]; and~~

10 (3) possesses the other qualifications for the license
11 required by this chapter or by rules adopted under this chapter.

12 (c) A license issued under this chapter expires on the last
13 day of the month in which the second anniversary of its date of
14 issuance falls, unless it is renewed on or before that day ~~[is valid~~
15 ~~for one year from the date of issuance].~~

16 (d) A license issued under this chapter must include at
17 least one of the following designations:

18 (1) a basic designation that permits the interpreter
19 to interpret court proceedings in justice courts and municipal
20 courts that are not municipal courts of record, but the designation
21 may not permit the interpreter to interpret ~~[other than]~~ a
22 proceeding before the court in which the judge is acting as a
23 magistrate; or

24 (2) a master designation that permits the interpreter
25 to interpret court proceedings in all courts in this state,
26 including justice courts and municipal courts described by
27 Subdivision (1).

1 SECTION 35. The heading to Section 157.104, Government
2 Code, is amended to read as follows:

3 Sec. 157.104. COMMISSION DUTIES [~~, INSPECTIONS~~].

4 SECTION 36. Section 157.105, Government Code, is amended to
5 read as follows:

6 Sec. 157.105. SUSPENSION, REFUSAL OF RENEWAL, AND
7 REVOCAION OF LICENSES; REISSUANCE. (a) After providing the
8 opportunity for a hearing in accordance with Section 153.055, the
9 commission shall suspend, [~~or~~] revoke, or refuse to renew a court
10 interpreter license on a finding that the individual:

11 (1) made a material misstatement in an application for
12 a license;

13 (2) disregarded or violated this chapter or a rule
14 adopted under this chapter; or

15 (3) engaged in dishonorable or unethical conduct
16 likely to deceive, defraud, or harm the public or a person for whom
17 the interpreter interprets.

18 (b) In accordance with Section 153.060, the [~~The~~]
19 commission may reissue a license to an individual whose license has
20 been revoked or has been refused renewal if the individual applies
21 in writing to the department and shows good cause to justify
22 reissuance of the license.

23 SECTION 37. Section 157.107(b), Government Code, is amended
24 to read as follows:

25 (b) A person who violates this chapter or a rule adopted
26 under this chapter is subject to an administrative penalty assessed
27 by the commission as provided by Chapter 153, in addition to

1 administrative sanctions that may be imposed under Section 157.105.

2 SECTION 38. The following laws are repealed:

3 (1) Section 154.104, Government Code;

4 (2) Sections 154.107(d), (e), (f), (g), and (h),
5 Government Code;

6 (3) Section 154.108, Government Code;

7 (4) Section 154.109, Government Code;

8 (5) Section 154.110(d), Government Code;

9 (6) Section 154.111(e), Government Code; and

10 (7) Section 156.052(b), Government Code.

11 SECTION 39. This Act takes effect September 1, 2017.